



CRL OP(MD). No.1947 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Vijayan

... Petitioner/2nd Accused

Vs

The Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanyakumari District.
Crime No.145 of 2023.

... Respondent/Complainant

For Petitioner	:	Mr.K.Muthurakkan, Advocate.
For Respondent	:	Mr.B.Nambi Selvan, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.145 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who is facing trial for the offences punishable under Sections 341, 342, 294(b), 302 and 506(ii) of IPC, in S.C.No.312 of 2023 on the file of the Principal Sessions Court, Kanniyakumari District at Nagercoil, in Crime No.145 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the defacto complainant is the wife of the deceased. There are four accused involved in this case and the petitioner is arrayed as A2. The deceased had illegal affair with A1's brother's wife. Due to which, on 09.06.2023, at about 08.30 p.m., when the deceased and the defacto complainant was moving towards their house, A4 stopped the deceased motorcycle. The petitioner and A3 pushed down the deceased from the two wheeler. A1 attacked the deceased by using knife. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that apart from this case, there are five cases pending against the petitioner and all those cases were registered only for the offence under Sections 323 and 324, which are not heinous offence. He would further submit that the petitioner is in incarceration for more than 8 months and earlier, he was detained under Act-14 and subsequently, the detention order was quashed by this Court in H.C.P(MD)No.1081 of 2023 on 07.11.2023. He would further submit that the investigation has been completed and the charge sheet has already been filed before the concerned Court and keeping the petitioner in prison, no useful purpose will be served. Hence, he prayed for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that though the charge sheet was filed, the petitioner pushed the



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deceased from the motorcycle and facilitated A1 to commit the murder and apart from this case, there are five previous cases and all those cases were registered only for the offence under Sections 307, 323 and 324 of IPC, which are heinous offence. Hence, he strongly opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts that earlier the petitioner was detained under Act-14 and the same was set aside by this Court vide order dated 07.11.2023 and the investigation has been completed and the charge sheet has already been filed before the concerned Court and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Court, Kanniyakumari District at Nagercoil, and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass



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Book to ensure their identity;

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(b) the petitioner is directed to appear before the Principal Sessions Court, Kanniyakumari District at Nagercoil each and every hearing dates without fail;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/02/2024

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Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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1 THE PRINCIPAL SESSIONS JUDGE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

2 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.

3 THE INSPECTOR OF POLICE, ARALVOIMOZHI POLICE STATION,
ARALVOIMOZHI, KANNIYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.1947 of 2024

Date :08/02/2024

RS//SAR-(05.02.2024) 5P 5C
Madurai Bench of Madras High Court is issuing
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